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# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-200385

DATE: January 22, 1981

MATTER OF: Milandex Company

## DIGEST:

[Protest concerning making of award under canceled solicitation] is moot.

Milandex Company has protested the Air Force's intent to award a contract to a large business under solicitation No. F42600-80-R-1319 since the solicitation was initially a 100 percent set-aside for small business. Milandex also protests the Air Force's alleged refusal to include it on the approved source list for this procurement.

The Air Force has advised that the contracting activity is canceling the solicitation and will be issuing a new one. In addition, Milandex has been included on the approved source list. Consequently, the Air Force argues that the protest should be dismissed as moot. Milandex advised the Air Force that it has no objection to the cancellation.

Milandex has informally indicated to this Office that while its inclusion on the approved source list resolves one of its bases of protest, the other issue remains. However, cancellation of the solicitation renders the remaining aspect of Milandex's protest, concerning the making of an award under that solicitation, moot. United Security, Inc., B-194867, June 21, 1979, 79-1 CPD 445.

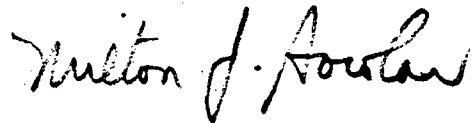
In addition, whether the new solicitation should be set aside for small business is within the authority and discretion of the contracting agency. Comprehensive Health Services, Inc., B-198410, August 25, 1980, 80-2 CPD 148.

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Accordingly, the protest is dismissed.

A handwritten signature in dark ink, reading "Milton J. Socolar". The signature is written in a cursive style with a large, stylized initial "M".

Milton J. Socolar  
General Counsel